

United States Patent and Trademark Office

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS P.O. Box 1450 Alexandria, Virginia 22313-1450 www.uspto.gov

DATE MAILED: 08/21/2006

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|------------------------|--------------------------------------|----------------------|---------------------|------------------|
| 10/551,483 | 09/29/2005 | Kurt Moeller | 110830/01 | 4130 |
| 23828 | 7590 08/21/2006 | | EXAMINER | |
| JAMES C. EAVES JR. | | | HESS, DOUGLAS A | |
| | IUM DOLL & MCDONAI NAL CITY TOWER | LD PLLC | ART UNIT | PAPER NUMBER |
| 101 SOUTH FIFTH STREET | | | 3651 | |
| LOUISVILL | E, KY 40202 | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| Office Action Summary | | Application No. | Applicant(s) | | | |
|--|---|-----------------|---------------|--|--|--|
| | | 10/551,483 | MOELLER, KURT | | | |
| | | Examiner | Art Unit | | | |
| | | Douglas A. Hess | 3651 | | | |
| Period fo | The MAILING DATE of this communication appears on the cover sheet with the correspondence address Period for Reply | | | | | |
| A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b). | | | | | | |
| Status | | | | | | |
| 1) | Responsive to communication(s) filed on 29 Se | entember 2005 | | | | |
| | This action is FINAL . 2b)⊠ This action is non-final. | | | | | |
| 3) | Since this application is in condition for allowance except for formal matters, prosecution as to the merits is | | | | | |
| | closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. | | | | | |
| Dispositi | on of Claims | | | | | |
| 4)⊠ | Claim(s) <u>1-20</u> is/are pending in the application. | | | | | |
| | 4a) Of the above claim(s) is/are withdrawn from consideration. | | | | | |
| | 5) Claim(s) <u>1-3,6,8,10-16 and 20</u> is/are allowed. | | | | | |
| 6)⊠ | S)⊠ Claim(s) <u>4,5,7,9 and 17-19</u> is/are rejected. | | | | | |
| 7) | Claim(s) is/are objected to. | | | | | |
| 8)[| 8) Claim(s) are subject to restriction and/or election requirement. | | | | | |
| Applicati | on Papers | | | | | |
| 9)□ : | The specification is objected to by the Examiner | | | | | |
| 10)☐ The drawing(s) filed on is/are: a)☐ accepted or b)☐ objected to by the Examiner. | | | | | | |
| | Applicant may not request that any objection to the c | | | | | |
| | Replacement drawing sheet(s) including the correction | | | | | |
| 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. | | | | | | |
| Priority under 35 U.S.C. § 119 | | | | | | |
| 12)⊠ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a)⊠ All b)□ Some * c)□ None of: | | | | | | |
| | 1. Certified copies of the priority documents have been received. | | | | | |
| | 2. Certified copies of the priority documents have been received in Application No | | | | | |
| | 3. Copies of the certified copies of the priority documents have been received in this National Stage | | | | | |
| | application from the International Bureau (PCT Rule 17.2(a)). | | | | | |
| * See the attached detailed Office action for a list of the certified copies not received. | | | | | | |
| | | | | | | |
| Attachment | c(s) | | | | | |
| 1) Notice of References Cited (PTO-892) 4) Interview Summary (PTO-413) | | | | | | |
| | Paper No(s)/Mail Date Notice of Draftsperson's Patent Drawing Review (PTO-948) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Notice of Informal Patent Application (PTO-152) | | | | | |
| Paper No(s)/Mail Date <u>9/29/05</u> . 6) Other: | | | | | | |

DETAILED ACTION

Page 2

Specification

1. The abstract of the disclosure is objected to because it is not included on a separate sheet containing only an abstract. Currently a copy of the 371 application cover sheet represents the abstract. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

- 2. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 3. Claims 4, 5, 7, 9, and 17-19 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 4 is confusing because a "third" and "fourth" pair of chains are introduced, however, there are no first and second pair of chains.

Claim 5 recites the limitation "said at least third and fourth pair of chains" in lines 3-4.

There is insufficient antecedent basis for this limitation in the claim.

Claim 17 is confusing because a "second conveying means" is introduced without a first conveying means being introduced.

Claims 18 and 19 are confusing because they introduce "fifth" and "sixth" pairs of chains, when there have not been a third and fourth pair introduced.

Application/Control Number: 10/551,483 Page 3

Art Unit: 3651

Allowable Subject Matter

4. Claims 1-3, 6, 8, 10-16, and 20 are allowed.

5. Claims 4, 5, 7, 9, and 17-19 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

Conclusion

- 6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.
- 7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Douglas A. Hess whose telephone number is 571-272-6915. The examiner can normally be reached on M-Thurs 5:30 4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Crawford can be reached on 571-272-6911. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Application/Control Number: 10/551,483

Art Unit: 3651

8. Information regarding the status of an application may be obtained from the Patent

Application Information Retrieval (PAIR) system. Status information for published applications

Page 4

may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

applications is available through Private PAIR only. For more information about the PAIR

system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR

system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

like assistance from a USPTO Customer Service Representative or access to the automated

information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Douglas A Hess Primary Examiner

DAH August 8, 2006